UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.12
19 March 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 12TH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 February 1992, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. SOLT (Hungary)

CONTENTS

Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts (continued)

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-10393/4328B

CONTENTS (continued)

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

Question of the realization of the right to development

Status of the International Covenants on Human Rights

Effective functioning of bodies established pursuant to United Nations human rights instruments

Statement by the Secretary-General of the British Commonwealth

The meeting was called to order at 3.10 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1992/8; E/CN.4/1991/10; A/46/401)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1991/13 and Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1992/39; E/CN.4/1992/42 and Add.1; E/1991/39; A/C.3/46/2)

1. Mrs. PARK (Canada) noted that South Africa had made great strides towards democracy during the previous year; the legislative pillars of apartheid had been demolished, political prisoners had been freed, security laws had been substantially reformed and, as a result of an agreement concluded between the South African authorities and the United Nations High Commissioner for Refugees (UNHCR), exiles had started returning home. The major political organizations had embarked upon negotiations with a view to the elaboration of a new constitution at the Convention for a Democratic South Africa (CODESA) and had pledged, in their declaration of intent, to create a united, non-racial and fully democratic State. They had also agreed that South Africa must have a bill of rights protected by an independent judiciary. Her delegation nevertheless noted that violations of human rights continued in South Africa and that violence still posed a grave threat to negotiations. All parties to the national peace accord must redouble their efforts to make the accord work in practice, and the Government had to restore confidence in the security forces which were so frequently accused of complicity in acts of violence. The question of political prisoners should not be allowed to become an obstacle to negotiations and should be resolved in CODESA. International Red Cross visits to political prisoners should continue. The recent arrest of a returning exile despite the provisions of the repatriation agreement concluded with UNHCR was a retrograde step, and it was vital to restore confidence in the repatriation process.

2. There was still a long way to go in promoting economic and social rights in South Africa. Pensions and other social services still reflected racial discrimination. Eight months after the Land Acts had been repealed, the 3 million people who had lost their homes by being forcibly removed could look only to an advisory committee for redress. Moreover, basic labour legislation had yet to be extended to cover farm workers, domestic help and many public servants. Her delegation hoped that the forthcoming ILO mission to South Africa would help them to acquire such protection. She noted that black women, owing to apartheid and patriarchy, bore a double burden of discrimination, so that nothing would send a more powerful signal of commitment to change on the part of the South African leaders than measures to promote the full participation of women in society. Her delegation appealed to the South African authorities to accede to the international human rights covenants and specifically to the Convention on the Elimination of All Forms of Racial Discrimination.

3. Canada, which firmly believed that it was for the people of South Africa themselves to determine their new constitutional order, would continue to support the constitutional process that the United Nations should also promote. In that connection, she recalled that the General Assembly had drafted a plan for the progressive engagement of United Nations agencies in the task of building a new South Africa. A more representative South African Government should be welcomed to participate once again in the United Nations system. The Commission on Human Rights, for its part, should, in its omnibus resolution, reaffirm and build upon the hard-won consensus achieved the previous year. The negotiations process should be supported and the end of human rights violations called for.

4. There had been two major developments since the Commission's session the previous year, namely, the adoption by the General Assembly of resolution 46/86 which would enhance the credibility of United Nations anti-racism activities and encourage a number of Member States to participate more actively, and the recommendation by States parties that the Convention on the Elimination of All Forms of Racial Discrimination should be amended so as to allow full budget funding. Her Government hoped that the General Assembly would adopt the proposed amendment by consensus and urged all States that had not yet acceded to the Convention to do so.

5. In view of its history as an immigrant-receiving country, Canada had acquired considerable experience in meeting the challenge of diversity and recognized that concerted action was needed in order to eliminate racism and to enable communities springing from various cultural backgrounds to co-exist. The United Nations Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had been of help to Canada in determining which areas to emphasize in that connection. Her Government had submitted detailed reports to the United Nations on measures taken to respond to the increasing diversity of its population and had also initiated an effective public education campaign in the framework of the plan of action on inter-racial relations.

6. Canada looked forward to exploring ways of sharing its experience with other countries endeavouring to promote the rights of their citizens and was of the view that the United Nations World Conference on Human Rights, the UNESCO International Conference on Education for Human Rights and Democracy and the Third Decade for the Elimination of Racial Discrimination were of great value in that respect.

7. Mr. Solt (Hungary) took the Chair.

8. Mr. CHAKRAVARTI (India) observed that South Africa had embarked upon a process that should lead to the establishment of a democratic and non-racial society, and was of the view that the international community should continue to support that process until such time as the desired results had been achieved for the oppressed people of South Africa. During the course of 1991 a number of positive steps had been taken by the South African authorities to dismantle the legal structure of apartheid. They had, for example, abolished the Lands Acts of 1930 and 1936, repealed the 1950 Population Registration Act and amended the preventive detention clause of the Internal Security Act. Yet apartheid, which was a complex system that divided people, inflicted cruelty

on innocents and was a precursor of violence. It was also the cause of socio-economic inequalities which were related to the discriminatory policy followed in respect of the educational system. In his second progress report on the implementation of the Declaration on Apartheid and its disastrous consequences in southern Africa (A/44/960), the Secretary-General had noted that serious socio-economic cleavages and inherent negative attitudes towards change would have to be overcome so that the conditions of life of the disadvantaged sectors could be perceptibly improved.

9. The South African authorities had released certain categories of political prisoners in order to create a climate conducive to negotiations. In August and September 1991 they had concluded an agreement with UNHCR concerning voluntary repatriation. According to the report of the Ad Hoc Working Group of Experts (E/CN.4/1992/8), 650 persons had returned to South Africa, but unfortunately the reintegration of those persons in society constituted a complex process which called for measures to solve the problems that arose in that respect.

10. The forces opposed to apartheid were looking to the establishment of a constitutional regime for a united, democratic and non-racial South Africa based on regular multi-party elections, an independent judiciary, the supremacy of the constitution and the separation of the executive, the legislature and the judiciary. At the Convention for a Democratic South Africa that had taken place in Johannesburg in December 1991, the South African authorities had agreed to the demands of the African National Congress that the Convention should be empowered to draft legislation. The Convention was also expected to tackle important questions such as general constitutional principles, the formation of an interim government, the creation of a climate conducive to unhampered political participation and target dates for CODESA decisions and implementation procedures.

11. Referring to the question of sanctions against South Africa, he recalled that the Commonwealth Harare Summit in October 1991 had stated that their purpose was to bring about an end to apartheid through promotion of negotiations between the Government and representatives of the black majority. Some of those sanctions had already been lifted as a result of the progress made, but the others should be maintained in order to encourage the authorities to continue the democratization process until an interim government had been established. India, which had consistently supported the oppressed majority in South Africa, considered that the dismantling of apartheid and the creation of a non-racial democratic society in the framework of a constitution accepted by all would mark the victory of a just and noble cause.

12. Going on to agenda item 14, he deplored the emergence of new forms of racism, racial discrimination and xenophobia in various parts of the world and was of the view that they should be carefully studied by the United Nations, which should coordinate its responses to them. He was in particular concerned by the institutionalization of racism in Fiji, whose new constitution contained certain provisions that were contrary to universally recognized democratic principles and human rights. The authorities of Fiji should abandon their anachronistic, undemocratic and discriminatory policy.

13. In his view, the international community was under an obligation to combat all forms of racism and racial discrimination.

14. Mr. SEMICHI (Observer for Algeria) noted that the Commission regularly decided to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa because there was only a gradual improvement in the situation as regards violations of the rights of the black population of South Africa. It was also noteworthy in that respect that the South African Government had not been particularly cooperative with the Group of Experts.

15. Although the Government of Pretoria seemed to be arousing a certain amount of hope as a result of the various measures it was adopting or as a result of the agreements it had concluded with the representatives of the country's black majority, the report of the Ad Hoc Working Group of Experts (E/CN.4/1991/10) revealed that what had been done was not enough.

16. In his report on activities in the framework of the political, military, economic or other forms of assistance given to the racist and colonialist regime of South Africa (E/CN.4/Sub.2/1991/13 and Add.1), Mr. Khalifa, the Special Rapporteur, stated that transnational companies, far from putting an end to their relations with South Africa, had modified the nature of such relations, and were thus making even more money than in the past. The South African economy continued thereby to benefit from indirect cooperation with private interests. It was also common knowledge that there was military collusion between Israel and the Pretoria regime, notwithstanding the repeated appeals of the international community.

17. In view of the resurgence of racism in all its forms, it was worthwhile asking why the results achieved during the past few years had been so meagre. Xenophobic attitudes and racial discrimination clearly persisted in a latent - and even in a violent - form, as migrant workers often realized. Such manifestations could be explained not by the inadequacy of legislation designed to protect vulnerable groups but by the absence of measures intended to make the public aware of the important contribution being made by those groups of persons to the economic development of the host country. All States should therefore take steps to publicize more widely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the United Nations General Assembly.

18. Mr. ROA KOURI (Cuba) was of the view that the adoption by Mr. De Klerk's Government of positive measures did not imply the effective elimination of apartheid. Security forces continued to abuse their powers as was obvious from the emergence of death squads, the repression of students and trade unionists, the population transfer policy and the restrictions imposed on the freedom of expression. For that reason, Cuba, which maintained no relations whatsoever with South Africa, considered that the international community should continue to exert political and economic pressure on the South African Government until such time as the will of the majority of the South African people prevailed.

19. The report by Mr. Khalifa, the Special Rapporteur, on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in

southern Africa (E/CN.4/Sub.2/1991/13 and Add.1) revealed that collaboration between certain western Governments and the Pretoria regime was continuing in complete violation of United Nations resolutions. His delegation therefore considered that the Special Rapporteur's mandate must be renewed.

20. Racism had reappeared in various countries of the old continent where neo-facist and xenophobic individuals were even making their way into parliament and were achieving considerable success by declarations in which they attributed the economic and social difficulties of their respective countries to immigration from the third world.

21. With each passing day, indigenous, black and Latin-American minorities in the United States were experiencing a little more discrimination and participating a little less in the management of affairs that were supposed to be the concern of society as a whole. It was obvious, moreover, that most marginalized persons in United States society belonged to such minorities. What was happening domestically in the United States clearly corresponded to that country's foreign policy which was based on interference in the domestic affairs of the countries of the South, as well as on its support - by means of its veto in the Security Council - of the discriminatory practices of the South African racists and Israeli Zionists.

22. Mr. OMAR (Libyan Arab Jamahiriya) said he detected a warning in the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1991/10) in the sense that the Commission must remain vigilant and should not place too much confidence in political declarations alleging the abolition of certain provisions or certain forms of apartheid. Indeed, there was no denying that the "main pillars" of the system remained, as was demonstrated by a number of facts mentioned in the report. For that reason, his country believed that firmness towards the South African Government was necessary until such time as the basis of apartheid had been completely eliminated and the black majority was able to exercise its rights. The lifting of sanctions would inevitably have a negative impact on the reforms embarked upon and might render the sacrifices made hitherto by the black population of South Africa pointless.

23. His country supported the recommendations of the Ad Hoc Working Group of Experts and in particular that the Commission should "Use all ways and means, including sanctions, and not slacken any kind of pressure on the South African Government, until such time as it has dismantled the policy and all practices arising from it and, in particular, purely and simply repeal any legislation justifying them and prohibit the adoption of any further legislation that would preserve theoretical or de facto discrimination by one racial group over others" (E/CN.4/1991/10, para. 262 (4)).

24. The Libyan Arab Jamahiriya noted that economic sanctions against the Pretoria regime were inadequate, as demonstrated by the report of Mr. Khalifa, the Special Rapporteur (E/CN.4/Sub.2/1991/13, paras. 54 to 62), and it hoped that the Security Council would in future monitor the situation very closely.

25. On the basis of the definition of racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, it would be justified to say that Israel was pursuing a

policy of racial discrimination when any Jew who settled in Israel immediately obtained Israeli nationality whereas Palestinian civilians wishing to return to their land were prevented from doing so, Security Council resolution 194 notwithstanding. Other examples included the law on the "land of the absent" which entitled Israelis to confiscate the property of Palestinians who had taken refuge abroad and also the law that prohibited the leasing of State land to non-Jews.

26. His country considered that racial discrimination should be given pride of place in the work of the World Conference on Human Rights that was to be held in 1993. It was also the view that the General Assembly should make the necessary arrangements to launch the third decade to combat racism and racial discrimination.

27. Mr. WIRYONO (Indonesia) was of the view that in the absence of a firm commitment by the minority government of South Africa to a common future for the people of South Africa as a whole, that country could plunge into an abyss of violence. Repressive tendencies had already become more marked and were reflected in informal repression by defenders of the apartheid system such as hit squads or gangs of vigilantes. Moreover, millions of black South Africans were still confined in bantustans and, although some political prisoners had been released, thousands more were still incarcerated in Pretoria's dungeons without legal remedies.

28. Although Indonesia welcomed the steps taken by the South African Government to repeal certain discriminatory legislation, it was an undeniable fact that apartheid continued to menace the lives of the majority of the population. For that reason, his delegation considered that sanctions should not be lifted before changes intended to establish a democratic and non-racial South Africa based on universal suffrage had become irreversible.

29. Mr. LANUS (Argentina) said that his Government welcomed the positive changes that had taken place in South Africa under the Government of President De Klerk, such as the abolition of laws that constituted the basis of apartheid, even if certain discriminatory legislative provisions remained as indicated by the Ad Hoc Working Group of Experts on southern Africa in its report (A/46/401). The abolition of the death penalty for certain offences and of detention for an indefinite period, the establishment of multiracial trade unions, the restoration of the right to strike and, naturally, the release of a large number of political prisoners, the end of the state of emergency and the legalization of political organizations were all promising signs that suggested that South Africa's future could be viewed with optimism. Yet apartheid had not yet been abolished. It would be dead and buried only when all citizens of South Africa, whether black or white, enjoyed the same rights - political as well as economic. Everything possible should therefore be done to speed up the changes taking place so as to bring about the introduction of the new egalitarian structures that would be required in order to transform South African society.

30. His delegation considered that the international community must not isolate the present South African Government and should assist all those - including members of the white minority - who wished to put an end to an

unjust system that impaired the dignity of the individual. South Africa's black population would once again have made the cause of human rights triumph when South African society as a whole had become democratic and multiracial. Talk of apartheid would cease only when the civil rights of all South Africans had been recognized and when a genuinely democratic South African Government based on the will of the majority participated in the work of the Commission on Human Rights. As Nelson Mandela had said, there would be no peace in South Africa so long as the principle of "one man, one vote", which was the basis of any democratic society, had not been recognized.

31. Mr. CHABALA (Zambia) said that Zambia was one of the countries in which profound political changes had taken place in recent months. The elections that had resulted in the emergence of a multiparty democracy had been witnessed by international teams of observers, including Mr. Jimmy Carter, a former president of the United States, as well as by over 3,000 Zambian observers to whom, on behalf of the Zambian Government, his delegation wished to express its sincere gratitude. He also thanked the many delegations which, during the debate, had referred to Zambia's peaceful and democratic transition to political pluralism. The new governing party, namely, the MMD, genuinely reflected a coalition of human rights interests, and its overwhelming mandate was an expression of the fact that only an open, transparent and accountable political system could satisfy the aspirations and protect the human rights of peace-loving and freedom-loving Zambians.

32. The new Government was firmly committed to the cause of human rights, democracy, justice, the rule of law and the independence of the judiciary. It would also respect the obligations assumed under various international human rights instruments to which Zambia was a party and would guarantee the right to freedom of opinion and expression, to peaceful assembly and association, and freedom of movement as well as other fundamental rights and freedoms. Another of the Government's priorities was the protection of the rights of vulnerable groups such as children, young persons, women, the elderly and the disabled. It had decided to ratify the Convention on the Rights of the Child and had established a Ministry of Youth and the Child. The Government would similarly take steps to eliminate discrimination against women and would ensure their integration in the economic life of the country as well as their participation in its political life, and in general would endeavour to promote the economic, social and cultural rights of the Zambian people as a whole. Zambia continued to believe that human rights questions could best be tackled in a constructive, cooperative and non-confrontational spirit on the basis of three cardinal principles, namely, non-discrimination, non-selectivity and objectivity. The new Government was committed to the fulfilment of its mandate but at the same time it was obvious that the country needed international assistance to strengthen its democracy as well as to protect and promote human rights and to implement its structural adjustment and privatization programmes.

33. Referring to the agenda items under consideration, he recalled that Zambia had always supported measures to combat racism, racial discrimination and apartheid, and had assisted the victims of those evils in southern Africa at the cost of immense sacrifices, just like other front-line and neighbouring countries which were also in dire need of increased development assistance from the international community. Zambia was concerned by the resurgence of racial intolerance, racial discrimination and prejudice based on race, religion and

origin in certain countries. Those manifestations, which were rolling back the frontiers of civilization must be eliminated and, as Mr. Martenson had stated, the Commission should seek effective ways of dealing with such phenomenon on the national and international levels. Their existence justified the proclamation of a third decade to combat racism and racial discrimination.

34. Apartheid was the most reprehensible form of racism; it constituted a gross violation of the most basic human rights and Zambia supported all efforts aimed at its elimination. His delegation welcomed the reforms introduced by the South African Government since 1990 and in particular the repeal of the main legal pillars of the apartheid system, since such measures demonstrated its determination to satisfy the demands of the international community and to create conditions conducive to negotiations, although his delegation regretted that the structure of the apartheid system remained intact and that discriminatory laws were still on the statute book. The bantustan system was still in place, the black majority was still deprived of the right to vote, not all political prisoners had been released and not all exiles had yet returned home. The international community should therefore maintain pressure on the South African Government until such time as agreement was reached by the parties on transitional arrangements and on a new non-racial democratic constitution. His delegation also called upon the South African authorities to allow the Ad Hoc Working Group of Experts on southern Africa to visit South Africa in order to determine what progress had been made towards the abolition of the apartheid system. It sincerely hoped that the talks at present under way in the context of CODESA would represent a genuine first step on a journey that would lead to the establishment of a new peaceful and democratic South Africa. The South African authorities now had an opportunity to demonstrate their sincerity. The Commission, for its part, must continue to follow the situation until all the demands of the majority black population had been satisfied. The final outcome of the negotiations under way must be compatible with the provisions of the Universal Declaration of Human Rights and the relevant Covenants and instruments.

35. Mr. SENE (Senegal) noted that the complete eradication of apartheid in South Africa and the elimination of all its vestiges had always been the main objective of the United Nations, which hoped thereby to realize the aspirations of the peoples and nations that had unanimously condemned that practice which was not only anachronistic but also barbaric in the twentieth century. The end of the cold war, which had dealt a fatal blow to totalitarian regimes and dictatorships throughout the world, would no longer allow the apartheid system to survive in the new era that was beginning. That explained the emergence in the forefront of the South African political scene of President De Klerk, a realistic man of vision who had achieved the release of Nelson Mandela and the legalization of parties and organizations that had for long been forbidden, and who had decided to set South Africa once again upon the path of respect for the norms and principles of the Charter of the United Nations.

36. However, despite the many important steps he had taken in that direction, such as the repeal in June 1991 of the laws on which the racist system was based, apartheid was not yet dead, not only because the immense problems raised by the oppression of the black majority by the white minority were far from solved, but also because the radicalization of extremist movements, the economic difficulties, the endemic violence and the criminality that cast a

shadow over the country all constituted obstacles in negotiations aimed at establishing a new constitutional order that would make it possible to introduce a system of fair and honest elections and speed up the emergence of a democratic, multiracial and fraternal South Africa.

37. The report of the Ad Hoc Group of Experts on southern Africa (A/46/401), which his delegation wished to congratulate, revealed that the human rights situation in South Africa remained a source of concern. The Group of Experts had managed to obtain information from very varied and reliable sources and had thus been able to present a very comprehensive picture of the violence that reigned in South Africa and the discriminatory measures being experienced by the black population, namely, restrictions on freedom of thought and expression and the right to freedom of association, as well as restrictions on the right of peaceful assembly and freedom of movement and trade union rights, to say nothing of compulsory population transfers and racial segregation in the education and health spheres.

38. As a result of the attentive action taken by specialized bodies such as UNESCO, WHO, ILO and the non-governmental organizations, as well as the De Klerk Government's determination to effect change, improvements were being recorded in all those fields and were the subject of detailed discussions in the competent bodies of those bodies. He also commended the work done by UNHCR in arranging the return of South African refugees from all corners of the world as well as the activities of UNICEF in providing better protection for children who were the victims of apartheid. His delegation was also grateful to all the press organs mentioned in the report of the Group of Experts since the role played by the media in the struggle against apartheid and racism was of vital importance in the creation of a new world order.

39. The international community should also remain on the lookout for signs of any resurgence of racist and xenophobic movements which were emerging in certain parts of the world and whose frequently fanatical and obscurantist activities went against the tide of history that was flowing in the direction of human rights, multiparty democracy and the dignity of the individual, and for which apartheid remained a benchmark, a regime that confirmed their mythical belief in a world shaped in the image of their fantasies. The Secretary-General's report on implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39) gave an idea of what was being done by the United Nations to counter the political, historical, social and cultural factors that gave rise to those scourges. His delegation welcomed with interest the draft model legislation designed to curb racism and racial discrimination at the national and international levels as well as the recourse procedures and machinery designed to eradicate those evils. Better coordination was also necessary at the Secretariat level in order to support the educational and information measures that had been adopted to promote tolerance and racial harmony.

40. His delegation was grateful to the Centre for Human Rights which, despite the modest means at its disposal, had organized several seminars in 1991 - in Cairo, Moscow and Paris - on the application of international human rights instruments; it was also gratified that an important seminar on international human rights standards and constitutional law, with special reference to the independence of the judiciary had been held in June 1991 in Geneva and had

been attended by eminent experts and representatives of all South African socio-cultural currents of opinion. Senegal, which had contributed in no small measure to the creation of conditions conducive to a dialogue between liberal white South Africans and the movements of the black majority, was gratified that the spirit of concertation was at present incarnated in men of great stature such as President De Klerk and Nelson Mandela. The struggle against racism and racial discrimination called for genuine solidarity since the magnitude of the problem at present confronted by mankind required the cooperation of mankind as a whole in order to ensure the survival of the human race. That was precisely the purpose and significance of UNESCO's Houphouet Boigny Prize, awarded in 1992 to President De Klerk and Nelson Mandela in recognition of their decisive contribution to the search for peace in South Africa. The award would be bestowed upon the laureats by Mr. Abdou Diouf, the President of Senegal, at UNESCO headquarters, that centre of culture, science and thinking about the problems of the world and the fate of mankind on the threshold of the year 2000.

41. Mr. MAHIGA (Observer for the United Republic of Tanzania) noted that, even if they had not brought about a radical change in the behaviour and attitudes of people imbued with racism, all the decisions adopted by the South African Government during the previous two years, from the release of Nelson Mandela and the legalization of political organizations such as the ANC and PAC and the abolition of the main laws on which the apartheid system was based, were significant for two reasons. In the first place, Mr. De Klerk was now regarded as a reformer capable of bringing about change in South Africa, and secondly the reforms introduced had paved the way for the negotiation of political changes. All the events that had taken place between February 1990 and June 1991 had aroused the hope that a new era for democracy had dawned in South Africa; however, that hope and that confidence in Mr. De Klerk's Government were now being put to a crucial test. Indeed, violence in the townships had resulted in over 3,000 dead during the previous 15 months and there was growing evidence that the security forces participated in and even at times fomented such violence. The "Inkathagate" scandal was likely to discredit the Government and Mr. De Klerk's announcement at the opening of the South African Parliament that the CODESA process could be subject to a white veto was cause for concern. That proposal was at variance with the principles on which democracy was based because it amounted to subjecting the will of the majority to that of the minority. All that went to prove that the process of change in South Africa was not yet irreversible, and the increasingly violent activities of neo-fascists were further complicating an already delicate situation.

42. The international community must act in a concerted manner in order to facilitate the peaceful transition to a non-racial democratic South Africa. Much still remained to be done before that objective would be attained and care should be taken to make sure that the process under way did not stall. The Commission on Human Rights, for its part, should ensure that human rights were respected and firmly embodied in the new constitution of a democratic South Africa. A combination of strategies was required, including appropriate sanctions and pressures commensurate with the desired changes, which should be achieved within a reasonable time.

43. Mr. GUBARTALLA (Observer for Sudan) said that his delegation had made a careful study of document A/46/401, the preliminary report on the human rights situation in South Africa, as well as document E/CN.4/Sub.2/1991/13, the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa. His Government wished to pay tribute to the South African liberation movements and in particular to ANC and PNC, as well as to all those who were participating in the struggle against the apartheid regime. International pressure on the South African Government should be maintained in order to consolidate recent democratic achievements and to bring about the complete elimination of apartheid. His delegation deplored the fact that certain countries were not living up to the commitment they had assumed to impose sanctions against the South African authorities and were invoking various pretexts in order to continue supporting the regime.

44. Sudan welcomed the negotiations that had begun in South Africa between the various parties concerned and sincerely hoped that they would lead to the creation of a democratic regime based on political, economic and social equality between blacks and whites.

45. His delegation took note of UNHCR's efforts to facilitate the return of refugees to their country and to ensure that they were able to live in peace and security.

46. The Sudanese Government had consistently advocated complete equality between all South African citizens and the elimination of all forms of racial discrimination, and considered that the international community should make every effort to ensure that an odious regime was brought to an end as rapidly as possible.

47. He also expressed the hope that the international community would implement the programme of action for the Second Decade to Combat Racism and Racial Discrimination and thanked Mr. Martenson for taking such a keen interest in the sound implementation of the programme. He requested that the question of measures to combat racial discrimination should be the subject of a separate agenda item for the World Conference on Human Rights that was to be held in 1993. Lastly, his delegation thanked the Centre for Human Rights and the Commission for their efforts to combat racism and apartheid.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/1992/9; E/CN.4/1992/NGO/3; E/CN.4/Sub.2/1991/17)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (E/CN.4/1992/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (E/CN.4/1992/61; E/C.12/1988/1; CCPR/C/2/Rev.2; A/46/393)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (E/CN.4/1992/44; A/46/668; A/46/650; A/46/503)

48. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing item 7, observed that, according to the Universal Declaration of Human Rights, a world in which individuals enjoyed freedom of speech, freedom of worship, freedom from want and freedom from fear had been proclaimed as the greatest aspiration of mankind, and further noted that the objective of the United Nations was to promote better standards of life in larger freedom.

49. Over the previous few years, the Commission on Human Rights had called upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities to assist it in its consideration of issues relating to the promotion and enjoyment of economic, social and cultural rights. At its forty-seventh session, the Commission had considered Mr. Türk's first progress report on the realization of economic, social and cultural rights and had adopted resolution 1991/18, in which it invited the Special Rapporteur of the Sub-Commission, when preparing his progress report, to take into account comments made in the Commission. The Commission had also requested that, in the report, priority should be given to the identification of practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged. The Special Rapporteur's second progress report (E/CN.4/Sub.2/1992/17), considered by the Sub-Commission at its forty-third session, was available to members of the Commission. Reference could also be made to the Sub-Commission's study on the right to adequate food as a human right.

50. The mutually-reinforcing nature of all human rights had become even more evident in today's world. Secretary-General Boutros Boutros-Ghali had stated in December that if there was no development without democracy, there could also be no democracy without development. In November 1990, Mr. Pérez de Cuéllar had also declared that democracy was a necessary condition for the effective enjoyment of human rights and that political democratic stability was based on social justice.

51. Referring to agenda item 8 on realization of the right to development, he noted that a further round of thinking and discussion concerning appropriate strategies for the effective realization of development was at present taking place. New methods, based on the analysis not only of exogenous but also endogenous obstacles to development, were being explored. That research revealed the interdependence which existed between all the socio-economic, environmental, humanitarian and cultural questions that were at present faced by the world. He recalled that the Declaration on the Right to Development of 4 December 1986 stated that development was a comprehensive economic, social, cultural and political process which aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

52. The concept of human development, recently defined by the United Nations Development Programme as the process that increased the number of possibilities available to individuals from the standpoint of life expectancy, health, and education as well as enjoyment of human rights, was being increasingly used as a yardstick by the champions of development and was thereby helping to integrate the concept of human rights into the planning, implementation and evaluation of development projects. In that connection he drew the Commission's attention to the initiative he had taken jointly with the Administrator of UNDP concerning cooperation on the "human rights dimension" of development projects.

53. The Secretary-General's report on the effective application of the Declaration on the Right to Development (E/CN.4/1992/10) which was before the Commission contained a number of both theoretical as well as practical points intended to stimulate an already wide-ranging discussion concerning development and to consolidate the strategy or strategies already being followed at the national and international level.

54. Introducing agenda item 15, he noted that the Commission had before it the Secretary-General's updated report on the application of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its optional protocols. That report had been submitted to the Commission pursuant to resolution 1991/16. It was gratifying to note that, since the Commission's forty-seventh session, those Covenants had been ratified by nine States (Albania, Angola, Brazil, Estonia, Grenada, Israel, Lithuania, Nepal and Zimbabwe). There were now 102 States parties to the International Covenant on Civil and Political Rights and 106 States parties to the International Covenant on Economic, Social and Cultural Rights. Moreover, during the previous year the number of accessions to or ratifications of the First Optional Protocol to the International Covenant on Civil and Political Rights had increased from 51 to 61 with the signatures of Angola, Australia, the Czech and Slovak Federal Republic, Estonia, Lithuania, Mongolia, Nepal, Poland, Ukraine and the Russian Federation. He also noted that six countries had recently ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights. That Protocol, which concerned the abolition of the death penalty, had entered into force on 11 July 1991. Furthermore, three States (the Czech and Slovak Federal Republic, the Russian Federation and Zimbabwe) had declared that they recognized the Committee's competence to consider communications in accordance with the provisions of article 41 of that Covenant. The total number of States parties that had made a declaration of that nature was at present 33.

55. He drew the Commission's attention to the activities of the Human Rights committee which had considered an increasing number of communications received pursuant to the provisions of the Optional Protocol and had adopted decisions in 13 cases. He mentioned, in that connection, that in order to be better informed of the measures that States parties had taken as a result of decisions adopted in accordance with the Optional Protocol, the Committee had appointed one of its members as Special Rapporteur responsible for keeping track of such matters.

56. The Human Rights Committee had also paid special attention to General Assembly resolution 45/155 as well as to Commission resolution 1991/30 concerning the organization of the World Conference on Human Rights that was to be held in 1993. The Committee had already formulated comments and recommendations that had been submitted for consideration to the Preparatory Committee of the Conference at its first meeting.

57. Referring to the implementation of the International Covenant on Economic, Social and Cultural Rights, he noted that, at its sixth session, the Committee set up under that Covenant had examined 10 reports and that so far a total of 66 reports from 49 States parties had been considered.

58. It would be desirable for the Commission to consider ways and means of getting more States throughout the world to ratify basic human rights instruments so that no individual would be excluded from the system created within the United Nations to ensure respect for such basic rights.

59. Referring to agenda item 16, he noted that, since the Commission's previous session, the Committee on the Rights of the Child had held its first session and had taken its first steps in carrying out its mandate.

60. The Centre for Human Rights had, during 1991, continued to strengthen the effective functioning of the treaty body system and to assist States parties in the preparation of their reports. In that connection, the first core documents had already been received in accordance with the guidelines sent to States parties. In addition, the Manual on Human Rights Reporting had been distributed to States parties in English, and it was hoped that the Spanish and French versions would be available shortly.

61. With respect to the computerization of the work of human rights treaty bodies, he informed the Commission that, in accordance with its resolution 1991/20, member States were being invited to contribute to the initial, one-time costs associated with the installation of the computerized system and the associated database.

62. Pursuant to Commission resolution 1991/20 and General Assembly resolution 46/111, the Secretary-General intended to convene the Fourth Meeting of persons chairing human rights treaty bodies in the second half of the year. The Meeting would allow the chairpersons to continue their consideration of ways of improving the functioning of the treaty body system and further streamlining reporting procedures. The report of the Third Meeting of Chairpersons, held in October 1990, had been widely discussed by all the human rights treaty bodies, and many of the recommendations made at the Meeting had been implemented. A number of steps had also been taken to promote greater interaction among the treaty bodies themselves and, in addition, between the treaty bodies and other United Nations human rights bodies and organs. In that connection he noted that a joint meeting of the Committee on the Elimination of Racial Discrimination and the Sub-Commission had been held in August 1991.

63. With regard to the financial difficulties encountered by the Committee on the Elimination of Racial Discrimination in recent years, he said that significant steps had been taken that should lead to a satisfactory solution. Pursuant to Commission resolution 1991/20, the Secretary-General had submitted to the General Assembly, in document A/46/650, a report on the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies.

64. In conclusion, he drew the Commission's attention to several publications produced by the Centre for Human Rights in 1991, and in particular to Fact Sheets 12, 15 and 16, as well as to the volume entitled "The first 20 years: Progress report of the Committee on the Elimination of Racial Discrimination". Those publications were designed to highlight and publicize the work of the various human rights treaty bodies.

65. Mr. SANTOS (Observer for Ecuador) referred to a number of recent events that were characteristic of the end of an era, namely, the dismantling of the Berlin wall, the end of the cold war and of the ideological struggle between two blocks, the beginning of disarmament and the reduction of nuclear weapons, and the settlement of regional conflicts. All those developments held out hope of the establishment of a new international order in the near future.

66. Unfortunately, great poverty persisted in many countries both in the North as well as in the South, but particularly in the developing countries where alarming signs of marginalization and social regression had made their appearance. That was true of the countries of South America despite their commitment to freedom and democracy. It must be borne in mind that only freedom of opinion, which was based above all on the individual's ability to express himself and therefore on the eradication of illiteracy, would enable the third world countries to meet the scientific and technological challenge of the twenty-first century.

67. He also emphasized the importance of the other fundamental freedoms to which each individual was entitled. Governments should take steps to guarantee all civil and political rights, such as the right to life and to freedom of expression and conscience, and do their best to prevent the emergence of circumstances that were degrading for the individual such as malnutrition, begging, prostitution, the abandonment of children or child labour. Those deplorable circumstances were unfortunately part and parcel of a world in which the minority lived in opulence whereas the majority experienced grinding poverty. The Governments of the countries of the South lacked resources and had to cope with a high level of external indebtedness at a time when financial institutions had turned their backs on the developing countries in their search for new, more profitable investments.

68. His delegation deplored the fact that the idea of freedom and equality in dignity and rights for all human beings proclaimed in article 1 of the Universal Declaration of Human Rights still had a hollow ring to it in many countries of the world. International instruments would not be of universal value so long as the dire problems faced by the third world had not been resolved. For that reason, freedom should be accompanied by new development strategies, multilateral programmes, the strengthening of the international

system and in particular the United Nations system. Only long-term strategies would make it possible to take advantage of new possibilities of curbing dictatorship and totalitarianism and strengthening freedom and democracy.

69. His delegation welcomed the fact that the international community had recognized the need to accord equal importance to economic, social and cultural rights and to civil and political rights. The international community should similarly promote the right to development as an indispensible factor in the creation of a peaceful and democratic world.

70. The World Conference on Human Rights would be held in the context of the major themes characteristic of the end of the twentieth century, namely, democracy, freedom, development and human rights. The Conference should take place in a framework where multilateral action was characterized by free access to markets and preferential treatment for the developing countries - since that was the objective of the Uruguay Round negotiations - institutional changes affecting GATT and UNCTAD and the establishment of the world trade and development organization that had been awaited since the Havana Conference of 1948. His delegation would be very interested in the results of the Rio de Janeiro Conference on Environment and Development and would endeavour to find solutions to various problems which, from the standpoint of the environment, included poverty and excessive consumption, deprivation and ostentatious lifestyles. That Conference should also act to enhance the value of natural resources, to which greater importance should be attached than to the development of advanced technologies.

71. Ecuador hoped that, in a world which had just reaffirmed its commitment to peace, democracy and self-determination, the international community would do everything in its power to make progress - soon and decisively - towards the comprehensive development of the individual.

STATEMENT BY THE SECRETARY-GENERAL OF THE BRITISH COMMONWEALTH

72. Mr. ANYAOKU (Secretary-General of the British Commonwealth) said that the democratic currents that had stirred Africa, Asia, the Caribbean and the Pacific during the post-war period of decolonization had profoundly transformed the international scene, and had led to the establishment not only of the United Nations but also of the British Commonwealth which at present comprised nearly one third of the States making up the international community and one quarter of the earth's population. Referring to the Commission on Human Rights, he said that it was making a significant contribution to the promotion and strengthening of human rights and fundamental freedoms and that for that reason the Commonwealth attached particular importance to its work.

73. In 1985, before the end of the cold war, the Commonwealth Heads of Government at their Nassau meeting had celebrated the fortieth anniversary of the United Nations by recalling in their Declaration the need for world order and the central importance of the United Nations system in which all should participate and from which all should benefit. The international scene was very different at the present time and it offered the possibility of living in a much better world given the desire to do so and the determination to work to that end.

74. Yet the situation was not everywhere satisfactory. In some regions, old ideological rigidities were being replaced by new uncertainties. The resurgence of religious or ethnic intolerance was threatening the cohesion of States and preparing the way for a new series of conflicts. Nevertheless, there were new opportunities for dramatic progress in certain areas where only a few years previously any change had seemed quite impossible. The present period, which was marked by a reaffirmation of a commitment to human rights, democracy and development, offered hope of building a better world and narrowing the gulf between aspirations and reality.

75. The Commonwealth Heads of Government meeting in Harare in October 1991 had endeavoured to take stock of the situation, to reflect on the past, to re-examine the underlying principles and values on which their association had been based and to determine how they could serve the interests of their citizens by responding to the challenges of the times. At the end of their deliberations, they had adopted a Declaration pledging the Commonwealth to work vigorously in specific priority areas. Among other things, they had called upon member States to protect and promote the fundamental political values of the Commonwealth, namely, democracy, the rule of law, the independence of the judiciary, just and honest government and respect for fundamental rights. In that respect, the Commonwealth had always regarded racial discrimination and intolerance as evils and a threat to development. The participants in the Harare meeting had also called upon the Commonwealth States to promote equality for women in the exercise of their rights as well as to promote sustainable development and the alleviation of poverty in their respective countries. In that Declaration, therefore, the Commonwealth had undertaken to promote human rights and the participation of all in political, economic and social life. The message behind the Harare Declaration emphasized the interdependence of peoples and the multidimensional nature of human rights, since any political and economic cooperation activity had implications for fundamental human rights.

76. The Commonwealth had also taken other measures to promote human rights. In 1985, for example, it had established a special Unit within the Commonwealth Secretariat to assist countries to carry out human rights projects. The Unit had drawn up a programme for fostering human rights training for public officials and was at present developing a programme to facilitate national human rights strategies by bringing together politicians, civil servants and non-governmental organizations with a view to the elaboration of national human rights plans. The Unit also provided a forum for the exchange of ideas and facilitated the strengthening of contacts that were vital in the promotion of human rights.

77. Thanks to the work of the non-governmental organizations and the persons concerned the international community had acquired a greater awareness of the importance of promoting human rights. The Commission on Human Rights had an important role to play in the establishment of a new international humanitarian order; the issues before it were complex and difficult, but it was a source of hope for the millions of human beings for whom the concept of human rights still had no real meaning and for whom more must be done.

The meeting rose at 5.55 p.m.